

JAN 31 2007

**KRIEG · DEVault**  
ATTORNEYS AT LAW

**FAX COVER PAGE**

DATE: January 31, 2007

PAGES INCLUDING THIS PAGE: 20

TO: Examiner Anuradha Ramana  
COMPANY: Group Art Unit 3733FAX NUMBER: 571-273-8300  
PHONE NUMBER:

FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333  
FAX NUMBER: (317) 636-1507

RE: Re-Submission of Response to Office Action for U.S. Patent App. No. 10/603,471 to Larry Gause, et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

January 31, 2007  
(Date of Transmission)Douglas A. Collier  
Name of Registered Representative  
SignatureHard copy will be sent via:  Regular Mail  Overnight Courier  Fax Communication Only

Name of Sender: Cheryl Kalugyer

Client Matter No.: 333 MSDI-1

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JAN 31 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: Larry Gause et al.	)	Before the Examiner Anuradha Ramana.
Application Serial No. 10/603,471	)	Group Art Unit 3733
Filed June 25, 2003	)	Ref. No.: MSDI-259/ PC757.00
SYSTEM FOR STABILIZING A PORTION OF THE SPINE	)	January 31, 2007

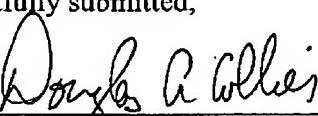
**RE-SUBMISSION OF RESPONSE TO FIRST OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A phone call was received from Examiner Ramana on January 31, 2007, indicating a problem occurred in transmission of the October 17, 2006, response to the non-final Office Action of July 20, 2006, and that only the first two pages were received. Accordingly, as requested by Examiner Ramana, a copy of the response is submitted herewith. If further information is needed, please do not hesitate to contact the undersigned.

Respectfully submitted,

By: 

Douglas A. Collier  
Reg. No. 43,556  
Krieg DeVault LLP  
One Indiana Square, Suite 2800  
Indianapolis, Indiana 46204-2079  
(317) 238-6333 voice

Doc.892418

Re-Submission of Response to Office Action  
Application Serial No. 10/603,471  
Page 1 of 1

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PAGES INCLUDING THIS PAGE: 18

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COMPANY: Group Art Unit 3733FAX NUMBER: 571-273-8300  
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

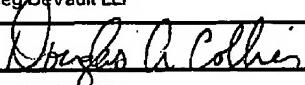
(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/603,471	
	Filing Date	June 25, 2003	
	First Named Inventor	Larry Gause, et al.	
	Art Unit	3733	
	Examiner Name	Anuradha Romana	
Total Number of Pages in This Submission	17	Attorney Docket Number	MSDI-259/PC757.00

**ENCLOSURES (Check all that apply)**

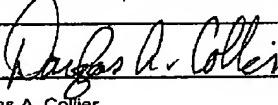
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <input type="checkbox"/> Facsimile Cover Sheet
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Krieg Devault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	October 17, 2006	Reg. No.	43,556

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Douglas A. Collier	Date	October 17, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 31 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: Larry Gause et al.	) Before the Examiner Anuradha Ramana.
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**RESPONSE TO FIRST OFFICE ACTION**

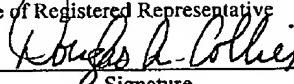
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated July 20, 2006, please enter and consider the following. No fees or extensions of time are believed due for consideration of this response. Please provide any extensions of time necessary and charge any fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

Oct. 17, 2006  
(Date of Transmission)

Douglas A. Collier  
Name of Registered Representative  
  
Signature

Oct. 17, 2006  
Date of Signature

Response to Office Action  
Application Serial No. 10/603,471  
Page 1 of 16